

Applicants respectfully assert that the “extension direction” recited in dependent claim 14 is clearly defined and, accordingly, the claims are not indefinite. In particular, dependent claim 14 indicates the extension direction of the diffusion sheet to be “a vertical direction.” Accordingly, it is respectfully requested that the rejections to claims 14 and 15 be withdrawn.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 2, claims 1-2, 5-6, 9-10, 16-17, and 22 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 3,893,748 to De Palma (“De Palma”). This rejection is traversed and reconsideration is requested.

According to De Palma, a screen to substantially reduce scintillation includes an element 100 that initially refracts rays along different non-parallel paths, and a Fresnel element 103 includes a reflective surface 104. See column 7, lines 58-67, to column 8, lines 1-3, and FIGS. 9 and 10. However, as shown in FIGS. 9 and 10 of De Palma, the reference fails to teach or suggest that a diffusion member is “**formed on one surface** of the transparent base,” emphasis added, as recited in independent claim 1. Rather, De Palma appears to describe transparent spacing means located **adjacent** to the screen element. See abstract.

According to the Office Action, element 101 is the diffusion member and element 102 is the transparent base of independent claim 1. Further, element 103 is the Fresnel element. However, even assuming, arguendo, that the transparent base is element 102, De Palma fails to teach or suggest, “a diffusion member **formed on one surface** of the transparent base; and a retroreflection prism array **formed on another surface** of the transparent base,” emphasis added, as recited in independent claim 1. Rather, as described and illustrated in De Palma, the elements 101, 102, and 103 are located adjacent to each other. In addition, De Palma fails to teach or suggest “a retroreflection **prism** array,” emphasis added, as recited in independent claim 1. Rather, De Palma provides a Fresnel element 103.

Thus, because De Palma fails to teach or suggest all the claimed features of independent claim 1, it is respectfully requested that independent claim 1 and related dependent claims be allowed.

Furthermore, the Office Action refers to similar portions of the cited reference to reject independent claims 17, 18, and 22. Such portions of the cited reference have been previously discussed and distinguished from the claimed features of independent claim 1. Accordingly, Applicants respectfully assert that De Palma is silent as to providing “a reflection coating layer

formed on a surface of the retroreflection prism array maximizing a quantity of light reflected by the screen and proceeding back,” as recited in independent claim 17 or “a retroreflection prism array formed on another surface of the transparent base making the light, after passing the diffusion member, proceed back parallel to incident light, securing a wide angle of visibility in a horizontal direction and limiting an angle of visibility in a vertical direction,” as recited in independent claim 22. In addition, the arguments presented above supporting the patentability of independent claim 1 in view of De Palma are incorporated herein to support the patentability of independent claims 17, 18, and 22. Accordingly, De Palma fails to teach or suggest all the claimed features of independent claims 17, 18, and 22. It is respectfully requested that independent claims 1, 17, 18, and 22 and related dependent claims be allowed.

In the Office Action, at page 3, claims 1, 3, 5-7, 9-11, 13-15, and 17-22 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 4,911,529 to Van De Ven (“Van De Ven”). This rejection is traversed and reconsideration is requested.

Van De Ven generally provides a screen including a Fresnel facet 26 with edges 27 on a rear side 25 of a transparent plate 20, where a light ray 111 from an image source traverses the plate 20 and is reflected on the rear side 25 and leaves the plate as a beam 112 spread in the horizontal plate. See column 5, lines 43-65. However, Van De Ven fails to teach or suggest “a retroreflection **prism** array,” emphasis added, as recited in independent claim 1. Rather, Van De Ven provides a Fresnel **facet** 26 to cause a spreading of the incident light.

Furthermore, nothing in Van De Ven teaches or suggests providing “a diffusion member formed on one surface of the transparent base,” as recited in independent claim 1. Rather, it appears that on the front side 21 of Van De Ven, the beam 112 is spread perhaps from the transparent screen base.

Thus, because Van De Ven fails to teach or suggest all the claimed features of independent claim 1, it is respectfully requested that independent claim 1 and related dependent claims be allowed.

Furthermore, the Office Action refers to similar portions of the cited reference to reject independent claims 17, 18, and 22. Such portions of the cited reference have been previously discussed and distinguished from the claimed features of independent claim 1. Accordingly, Applicants respectfully assert that Van De Ven is silent as to providing “a reflection coating layer formed on a surface of the retroreflection prism array maximizing a quantity of light reflected by the screen and proceeding back,” as recited in independent claim 17 or “a retroreflection prism

array formed on another surface of the transparent base making the light, after passing the diffusion member, proceed back parallel to incident light, securing a wide angle of visibility in a horizontal direction and limiting an angle of visibility in a vertical direction,” as recited in independent claim 22. In addition, the arguments presented above supporting the patentability of independent claim 1 in view of Van De Ven are incorporated herein to support the patentability of independent claims 17, 18, and 22. Accordingly, Van De Ven fails to teach or suggest all the claimed features of independent claims 17, 18, and 22. It is respectfully requested that independent claims 1, 17, 18, and 22 and related dependent claims be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 3, claims 3, 7, 11, and 18-21 were rejected under 35 U.S.C. § 103 in view of De Palma and U.S. patent No. 1,610,423 to Cawley (“Cawley”). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 3, 7, and 11 depend from independent claim 1 and claims 19-21 depend from independent claim 18. Accordingly, De Palma and/or Cawley must teach or suggest, individually or combined, the claimed features of independent claims 1 and 18.

The description provided in De Palma and the arguments supporting the patentability of independent claims 1 and 18 in view of De Palma presented above are incorporated herein.

Cawley generally describes production of daylight pictures by means of specially polarized light. See column 1, lines 1-5. Furthermore, according to FIG. 5 of Cawley, a projector light should be polarized in such a plane that it will be largely reflected at the surface indicated. See column 5, lines 33-46. However, similarly to De Palma, Cawley fails to teach or suggest “a diffusion member formed on one surface of the transparent base; and a retroreflection prism array formed on another surface of the transparent base,” as recited in independent claims 1 and 18. Further, Cawley is silent as to providing “a reflection prism array.” Thus, De Palma and Cawley, individually and/or combined, fail to teach or suggest all the claimed features of independent claims 1 and 18.

Furthermore, without adequate support from De Palma and/or Cawley of a need or motivation to prevent interference in De Palma, the Office Action indicates that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Cawley for the purpose of preventing interference from light behind the

screen.” Rather than using the teachings of the cited references, the Office Action combines the references by disregarding current case law regarding the standard of an obviousness rejection under 35 U.S.C. § 103.

It is improper to merely deem something obvious without any teaching/suggestion from the cited references. As applied to the determination of patentability when the issue is obviousness, “it is fundamental that rejections under 35 U.S.C. §103 must be based on evidence comprehended by the language of that section.” See In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2002), (citing In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983)). The essential factual evidence on the issue of obviousness is set forth in Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966) and extensive ensuing precedent. The patent examination process centers on prior art and the analysis thereof. When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. See In re Lee, 61 USPQ2d 1430 (CA FC 2002), (citing McGinley v. Franklin Sports, Inc., 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) (“The central question is whether there is reason to combine [the] references,” a question of fact drawing on the Graham factors). Accordingly, evidence must be provided from the prior art of some teaching, motivation, or suggestion to select and combine the references.

Thus, as pointed out in In re Lee, the record must support motivation, i.e., there must be something in the record pointing out where the recited motivation can be found. In addition, there must be some discussion on how that purported motivation or suggestion is even relevant to the reference being modified.

It is the Applicants' position that only the present invention sets forth all the claimed features, as well as the motivation for combining the same. The outstanding rejection would appear to have taken the teachings of the present invention and applied the same to generate a combination of De Palma and Cawley as set forth in the Office Action. In view of the foregoing, it is respectfully requested that independent claims 1 and 18 and related dependent claims be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding

objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.


If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 18, 2003

By:


Alicia M. Choi
Registration No. 46,621

700 Eleventh Street, NW, Suite 500
Washington, D.C. 20001
(202) 434-1500